

WOMEN'S SAFETY LAWS IN INDIA: CONSTITUTIONAL PERSPECTIVES, ENFORCEMENT CHALLENGES AND POLICY REFORMS

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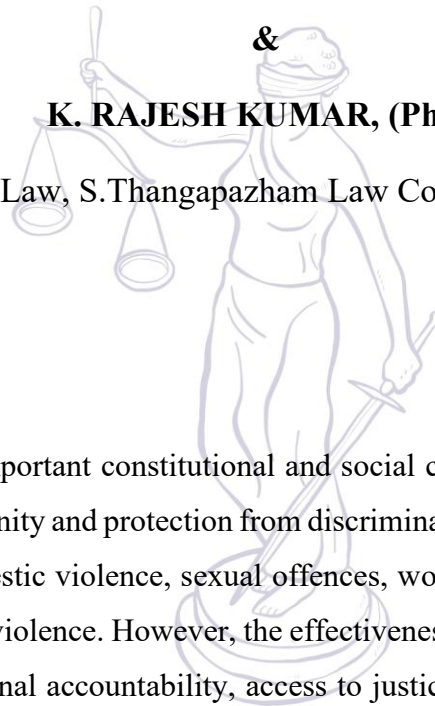
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1. Abstract

Women's safety is an important constitutional and social concern in India. The Constitution of India guarantees equality, dignity and protection from discrimination. Various laws have been enacted to protect women from domestic violence, sexual offences, workplace harassment, acid attacks and other forms of gender-based violence. However, the effectiveness of these laws depends substantially on implementation, institutional accountability, access to justice and public awareness. This article examines the constitutional framework, major statutory protections, judicial developments, enforcement challenges and policy reforms relating to women's safety in India. It argues that legal protection must be supported by gender-sensitive policing, speedy investigation and trial, effective victim support, legal aid and institutional accountability.

2. Introduction

Women's safety is closely connected with the fundamental rights guaranteed by the Indian Constitution. Article 14 provides equality before law; Article 15 prohibits discrimination on the ground of sex and permits special provisions for women and children under Article 15(3); and Article 21 protects life and personal liberty, including the right to live with dignity. Article 39A emphasises

equal justice and free legal aid, while Article 42 directs the State to make provision for securing just and humane conditions of work and maternity relief.

India has enacted several laws to protect women, including the Protection of Women from Domestic Violence Act, 2005; the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013; and the Bharatiya Nyaya Sanhita, 2023 (BNS), which contains offences relating to rape, sexual harassment, stalking, voyeurism, assault with intent to disrobe and other offences against women. The Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) provides the contemporary procedural framework for investigation, prosecution and trial.

Despite this extensive framework, women continue to experience domestic violence, sexual violence, harassment, stalking, cyber abuse, trafficking and other forms of insecurity. National Crime Records Bureau data indicate that reported crimes against women rose from 3,71,503 in 2020 to 4,45,256 in 2022, an increase of four per cent that amounts to nearly fifty-one first information reports lodged every hour across the country. Because such figures capture only recorded complaints, and reporting itself is shaped by stigma and institutional access, they are more properly read as a floor rather than a ceiling on the true scale of the problem. The central research problem is therefore not simply whether protective laws exist, but whether women can invoke them effectively, safely and without discrimination. This article evaluates the gap between legal entitlement and practical enforcement and proposes reforms aimed at strengthening the justice chain—from reporting and investigation to trial, compensation, rehabilitation and institutional accountability.

3. Review of Literature

Existing constitutional and socio-legal literature demonstrates that judicial

interpretation has substantially expanded the protection available to women.

The Supreme Court has interpreted Article 21 as protecting dignity and bodily integrity and has connected gender equality with a safe environment. In *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241, the Supreme Court recognised workplace sexual harassment as a violation of fundamental rights and laid down guidelines that operated until Parliament enacted specific legislation. The literature also identifies persistent barriers including under-reporting, social stigma, delays in investigation and trial, lack of legal awareness and inadequate institutional support. Recent interdisciplinary research also examines spatial and structural dimensions of women's safety. Pooja, Guddattu and Rao (2024) used district-level small-area estimation to study crime against women across India, drawing attention

to geographical variation and localised prevention strategies. Research published in *Frontiers in Psychology* in 2024 examined Indian women's experiences of domestic violence and control in relation to patriarchal beliefs, reinforcing the argument that legal reform must be accompanied by changes in social attitudes and support systems.

The literature increasingly recognises digital and technology-facilitated gender-based abuse. Research on online harassment identifies threats, stalking, sexualised abuse and non-consensual sharing of intimate material as harms that can restrict women's participation in public and digital spaces. This literature is relevant because the boundary between physical and digital violence is increasingly blurred; legal and institutional responses therefore require technological capacity as well as conventional policing and legal remedies. National Crime Records Bureau figures for 2022 recorded a marked rise in cybercrime against women, with individual states registering hundreds of cases involving publication of sexually explicit material, morphing and online blackmail within a single year. Such data confirm that technology-facilitated abuse is not a marginal phenomenon but a growing category within the official crime record, reinforcing the case for treating digital safety as integral to the legal framework rather than a peripheral concern.

The literature nevertheless leaves room for an integrated doctrinal analysis combining constitutional rights, the new BNS-BNSS framework, statutory protections, access to legal aid under Article 39A, and contemporary judicial responses to sexual violence. The present study addresses this gap by treating women's safety as a continuum of rights rather than as a collection of isolated offences.

Indian Journal of Contemporary Legal and Social Issues

4. Objectives of the Study

1. To examine the constitutional provisions relating to women's safety and gender equality in India.
2. To analyse Articles 14, 15, 21, 39A, 42 and 51A(e) in relation to women's access to justice, dignity and protection.
3. To study major statutory protections against domestic violence, workplace sexual harassment and gender-based criminal offences.

4. To examine the role of the BNS, 2023 and BNSS, 2023 in contemporary investigation and trial procedures.
5. To analyse important judicial decisions concerning dignity, sexual violence, privacy, reproductive autonomy and gender-sensitive adjudication.
6. To identify institutional and enforcement challenges that limit the effectiveness of women's safety laws.
7. To suggest legal, administrative and policy reforms for strengthening survivor-centred justice.

5. Research Methodology and Database Used

This research follows a doctrinal and qualitative legal research methodology and relies primarily on secondary legal materials. The sources include the Constitution of India; Bharatiya Nyaya Sanhita, 2023; Bharatiya Nagarik Suraksha Sanhita, 2023; Protection of Women from Domestic Violence Act, 2005; Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013; Supreme Court judgments; National Crime Records Bureau reports; Government publications; and academic legal literature.

The study is primarily analytical rather than empirical. It does not claim to measure unreported violence directly, and registered crime statistics are treated as indicators of recorded cases rather than complete measures of prevalence. Reporting rates, policing practices and institutional access can affect official figures.

6. Research Discussion

The Indian legal system provides a broad framework for protecting women, but a significant gap may arise between legal standards and their practical implementation. The following six focused issues examine the principal dimensions of women's safety.

6.1 Constitutional Protection of Equality, Dignity and Bodily Autonomy

The constitutional foundation of women's safety is found principally in Articles 14, 15 and 21. Article 14 requires equality before law and equal protection of laws. Article 15(1) prohibits discrimination on the ground of sex, while Article 15(3) permits the State to make special provisions for women and children. Article 21 protects life and personal liberty and has been interpreted to include dignity, bodily integrity and conditions necessary for meaningful life. Article 39A further supports access to justice through equal justice and free legal aid.

In *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241, the Supreme Court linked workplace sexual harassment with violations of Articles 14, 15, 19(1)(G) and 21. In *Suchita Srivastava v. Chandigarh Administration*, (2009) 9 SCC 1, the Court recognised reproductive choice as an aspect of personal liberty under Article 21. These decisions demonstrate that women's safety cannot be reduced to protection from physical assault alone; it also includes dignity, autonomy and equal participation in public and private life.

6.2 Sexual Violence, Criminal Law and the Duty of the Police

The Bharatiya Nyaya Sanhita, 2023 contains specific offences against women, including rape and aggravated forms of sexual violence, sexual harassment, assault or use of criminal force with intent to disrobe, voyeurism, stalking and related offences. The BNSS, 2023 provides the procedural framework governing registration of information, investigation, prosecution and trial. Effective protection therefore requires both substantive criminal provisions and sensitive enforcement.

In *Lalita Kumari v. Government of Uttar Pradesh*, (2014) 2 SCC 1, the Supreme Court held that registration of an FIR is mandatory where information discloses a cognizable offence, subject to the limited principles recognised by the Court regarding preliminary inquiry. The decision is important for women's safety because refusal or unjustified delay in registering a case can obstruct access to justice at the earliest stage. Police authorities must therefore respond promptly and lawfully to complaints. The enforcement problem also includes victim protection, medical assistance, preservation of evidence and coordination between police, hospitals and prosecution agencies. The law is meaningful only when these institutions operate in a coordinated and gender-sensitive manner. National Crime Records Bureau figures for 2021 recorded a conviction rate of only 26.5 per cent in cases of crime against women, with close to ninety-five per cent of such cases still pending trial at the close of the year. These figures suggest that the investigative safeguards recognised at the registration stage must be matched by adequate forensic capacity, prosecutorial competence and judicial resources if they are to translate into timely justice.

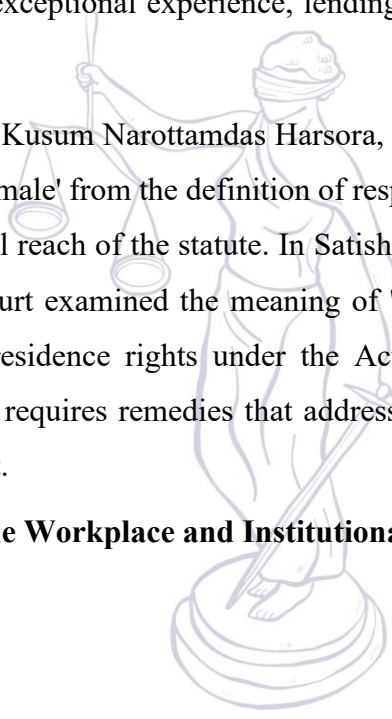
6.3 Domestic Violence and Protection of Women within the Family

Domestic violence is not confined to physical assault. The Protection of Women from Domestic Violence Act, 2005 recognises physical, sexual, verbal or emotional and economic abuse and provides civil protective remedies, including protection orders, residence orders, monetary relief, custody orders and compensation. The legislation therefore adopts a broader conception of safety within domestic relationships.

Empirical data from the National Family Health Survey-5 (2019-21) found that more than twenty-nine per cent of women aged eighteen to forty-nine in India had experienced spousal violence at some point, with wide variation across states. Such figures confirm that domestic violence remains a widespread rather than an exceptional experience, lending empirical weight to the civil remedies created under the 2005 Act.

In *Hiral P. Harsora v. Kusum Narottamdas Harsora*, (2016) 10 SCC 165, the Supreme Court struck down the words 'adult male' from the definition of respondent in Section 2(g) of the 2005 Act, thereby widening the practical reach of the statute. In *Satish Chander Ahuja v. Sneha Ahuja*, (2021) 1 SCC 414, the Supreme Court examined the meaning of 'shared household' and strengthened the protective interpretation of residence rights under the Act. These decisions show that effective domestic-violence protection requires remedies that address both immediate safety and continuing access to housing and support.

6.4 Sexual Harassment at the Workplace and Institutional Responsibility



Indian Journal of Contemporary
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A safe workplace is an essential component of women's equality and economic independence. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) establishes a framework for prevention, prohibition and redressal of sexual harassment. It requires appropriate institutional mechanisms, including Internal Committees in covered workplaces, and places preventive and compliance responsibilities employers.

Vishaka v. State of Rajasthan, (1997) 6 SCC 241, laid down binding guidelines in the absence of specific legislation and treated sexual harassment as inconsistent with constitutional guarantees. In Medha Kotwal Lele v. Union of India, (2013) 1 SCC 297, the Supreme Court addressed implementation of the Vishaka framework and emphasised the need for effective compliance. These decisions illustrate that merely creating a complaint mechanism is insufficient; institutions must ensure awareness, independence, confidentiality, timely inquiry and protection against retaliation. Recent compliance surveys suggest that implementation of the POSH Act remains inconsistent even among larger employers: a 2024 survey of senior human-resource professionals found that fifty-nine per cent of the companies surveyed had not constituted a legally compliant Internal Committee, and a separate analysis of stock-exchange-listed companies found that a substantial proportion had reported zero complaints in a given financial year. These findings suggest that the compliance gap in workplace redressal mechanisms has persisted well beyond the initial guidelines, underscoring the continuing need for external audit and regulatory monitoring.

6.5 Access to Justice, Victim Dignity and Gender-Sensitive Judicial

Access to Justice, Victim Dignity and Gender-Sensitive Judicial Processes Women's safety also depends upon the manner in which courts, prosecutors and other justice institutions treat survivors. Article 21 requires procedures that respect dignity and fairness. Article 39A supports equal access to justice and legal aid, making legal services particularly important for women who face financial, social or institutional barriers.

In *Aparna Bhat v. State of Madhya Pradesh*, 2021 SCC OnLine SC 230, the Supreme Court cautioned courts against imposing bail conditions or making observations that trivialise sexual offences or reinforce gender stereotypes. The judgment emphasises that judicial processes must not perpetuate discriminatory attitudes. The protection of victims therefore requires trauma-sensitive procedures, respectful courtroom conduct, privacy where legally required, effective legal representation and timely adjudication. Victim compensation and rehabilitation are also important components of justice. In *Laxmi v. Union of India*, (2014) 4 SCC 427, the Supreme Court addressed measures concerning acid-attack survivors, including compensation and medical treatment. Such decisions demonstrate that women's safety includes not only punishment of offenders but also treatment, rehabilitation and restoration of dignity. The persistent delay in adjudicating sexual offences is illustrated by government data showing that, as of 2022, close to ninety per cent of cases under the Protection of Children from Sexual Offences Act remained pending trial despite the creation of dedicated fast-track special courts. Such backlogs demonstrate that specialised institutional mechanisms, however well designed, require adequate judicial strength and case-management support if they are to translate into the timely adjudication that victim-centred justice demands.

6.6 Enforcement Gaps, Institutional Accountability and Policy Reform

The principal enforcement challenges identified in the study are delay in investigation and trial, under-reporting caused by fear and stigma, inadequate awareness of legal rights, insufficient gender-sensitive training, difficulty accessing legal and psychological support, and inconsistent implementation of domestic-violence and workplace protections. These problems indicate that legislative reform alone cannot ensure safety.

Institutional responses during periods of disruption illustrate both the reach and the limits of the existing support architecture. Government data placed before Parliament indicated that between April and June 2020, the National Legal Services Authority extended legal aid in 2,878 domestic-violence cases and facilitated the filing of petitions under the 2005 Act in 452 instances, with a proportion of disputes resolved through counselling and mediation. Sustaining and expanding such coordinated legal-aid and mediation support beyond emergency periods is necessary if institutional accountability is to be maintained consistently rather than mobilised only in response to crises.

Institutional accountability should therefore operate at every stage: police registration and investigation, medical examination, prosecution, judicial proceedings, workplace inquiries, domestic-violence relief and victim rehabilitation. Regular training, monitoring of statutory compliance,

accessible legal aid, effective counselling and coordinated victim-support systems should be strengthened.

Technology can assist reporting, case tracking and access to information, but its use must respect privacy, confidentiality and due process. Public legal-awareness programmes should also be expanded, particularly through educational institutions and community-level initiatives. A coordinated approach involving government, police, courts, employers, legal-services institutions and civil society is essential.

7. Results / Findings

1. The Constitution provides a strong foundation for women's equality, dignity, autonomy and access to justice.
2. The BNS, 2023, BNSS, 2023, Domestic Violence Act, 2005 and POSH Act, 2013 together create a broad protective framework.
3. Judicial decisions have expanded constitutional protection and have emphasised dignity, institutional responsibility and access to justice.
4. Under-reporting, stigma, delays and inadequate institutional support continue to affect effective enforcement.
5. Workplace and domestic-violence protections require continuous monitoring and institutional compliance.
6. Women's safety requires a coordinated response involving prevention, enforcement, adjudication, legal aid, rehabilitation and public awareness

8. Recommendations / Suggestions

1. Ensure prompt registration, investigation and prosecution of offences against women in accordance with the applicable criminal procedure.
2. Provide regular gender-sensitivity, victim-support and legal-procedure training for police, prosecutors and judicial personnel.
3. Strengthen legal-aid, counselling, medical and rehabilitation services for survivors.
4. Ensure effective implementation and monitoring of the POSH Act, including functioning Internal Committees and awareness programmes.

5. Improve implementation of protection and residence remedies under the Protection of Women from Domestic Violence Act, 2005.
6. Expand legal-awareness programmes in schools, colleges, workplaces and rural communities.
7. Strengthen institutional accountability where authorities fail to discharge statutory duties.
8. Use technology responsibly for reporting, case tracking and access to legal information while protecting privacy and confidentiality.
9. Develop coordinated victim-support mechanisms involving police, hospitals, prosecutors, courts and legal-services institutions.

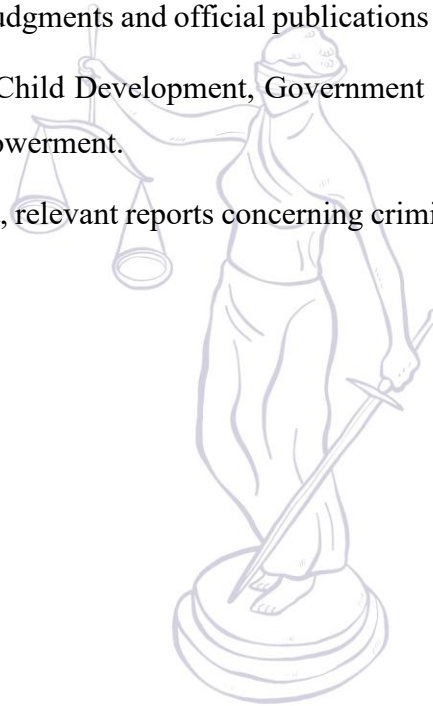
9. Conclusion

Women's safety is not merely a law-and-order concern; it is a constitutional requirement connected with equality, dignity, bodily integrity, autonomy and access to justice. India has developed a substantial legal framework addressing sexual violence, domestic violence and workplace harassment. Judicial decisions have further strengthened these protections by placing dignity and gender equality at the centre of constitutional interpretation. Nevertheless, the effectiveness of women's safety laws ultimately depends upon implementation. Delayed investigation, under-reporting, stigma, inadequate institutional support and weak compliance can reduce the practical value of legal rights. Accordingly, legal safeguards must be supported by gender-sensitive policing, speedy justice, accessible legal aid, effective workplace and domestic-violence mechanisms, victim rehabilitation and institutional accountability. A coordinated approach among the government, judiciary, police, employers, legal-services institutions and civil society is essential to create an environment in which women can exercise their constitutional rights without fear.

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